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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,850	06/28/2001	Jonas Bergsten	4925-119	5633
7590	11/18/2004		EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 Fifth Avenue, Suite 1210 New York, NY 10176			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/893,850	BERGSTEN ET AL.
	Examiner	Art Unit
	Peng Ke	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 July 2004.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed on 7/12/04.

This action is final.

2. Claims 1-20 are pending in this application
3. Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last office action is taken as an admission of the fact(s) noticed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7-9, 11-13 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Geiser, US- 5,059,965.

As per claim 1, Geiser teaches a method for displaying information in a display associated with an electronic device comprising: organizing a plurality of information entries into a hierarchy comprising a plurality of groups, at least one of which groups have at least one sub-level of sub-groups (subsets) (col. 4, lines 5-8); and

displaying panels on a display associated with an electronic device, the panels being arranged into two bars of panels with a common focus panel (horizontal and vertical components), each of the panels being linked to and identifying one of (a) the plurality of information entries, (b) one of the groups, and (c) one of the subgroups (selection of destination),

wherein the focus panel identifies (a) a currently selectable lowest level in the hierarchy and (b) the next higher level, if any, wherein levels, if any in the hierarchy higher than that displayed in the focus panel are identified in succeeding adjoining panels of a first of the two bars, other panels of the first bar identifying highest level groups in the hierarchy, and wherein panels of the second of the two bars each identify one of (a) information entries if any, (b) groups, if any, and (c) subgroups, if any, of the same level in the hierarchy as the currently selectable lowest level in the hierarchy identified in the focus panel (subsequent selections always limited by the preceding letter/subgroups) (col. 2, line 43-col. 3, line 25).

As per claim 2, Geiser teaches the method wherein the two bars are sized and positioned on the display so as to permit viewing of a substantial portion of a background image presented on the display (navigation system that minimizes distracting effect, and allows simultaneous driving) (col. 1, lines 55-58).

As per claim 3, Geiser teaches the method wherein the two bars are perpendicular to one another(Fig. 1 a-1c, col. 4, lines 51-61) (the two components are arranged in a perpendicular fashion).

As per claim 7, Geiser teaches the method wherein upon entry by the user on an input device of a selecting command, the electronic device performs an action corresponding to an information entry identified in the focus panel (destination name is shown on optical display as U response action) (col. 5, lines 7-10).

As per claim 8, Geiser teaches the method wherein a currently selected lowest level in the hierarchy identified in the focus panel is changed upon the entry of a navigation command by the user on an input device (upon letter selection level is changed) (Fig. 1a-1c, col. 3, lines 4-12).

As per claim 9, Geiser teaches the method wherein information entries, groups, or subgroups linked to the panels are identified on the panels by at least one of text and graphics (subgroups of letters) (Fig. 1a-1c).

As per claims 11-13 and 17-19, they are the apparatus claims of claims 1-3 and 7-9 and are rejected on the same basis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Geiser, US 5,059,965 in view of Matthews et al (hereinafter Matthews), US- 5,677,708.

As per claims 4 and 5, Geiser does not teach the method wherein each of the two bars are positioned on the display to be proximate to and parallel to an edge of the display. However, Matthews teaches the method of displaying bars (control objects) on the display proximate to an edge of the display parallel (borders of screens). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Geiser with Matthews step of displaying objects on the edge of the screen because it would improve Geiser's system by increasing the amount of usable screen space that is available.

As per claims 14 and 15, they are the apparatus claims of claims 4 and 5 and are therefore rejected on the same basis.

6. Claims 6, 10, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiser, US 5,059,965

As per claim 6, Geiser does not teach the method wherein the two bars are displayed on the display only upon entry of a command by a user. However, Official Notice is taken that display upon selection is well known in the art and that it would have been obvious to one of ordinary skill in the art at the time of the invention to enhance Geiser's system to only display bars upon the entry of a user command in order to maximize the amount of usable screen space for as long as possible.

As per claim 10, Geiser does not specifically teach that one of the panels is semi transparent and/or transparent. However, Official Notice is taken that transparency is well known in the art and that it would have been obvious to one of ordinary skill in the art at the time of the invention to enhance Geiser's system to display a transparent panel in order to maximize the amount of usable screen space for as long as possible.

As per claims 16 and 20, they are the apparatus claims of claims 6 and 10 and are therefore rejected on the same basis.

***Response to Argument***

Applicant's arguments filed on 7/12/04 have been fully considered but they are not persuasive.

7. Applicant's argument focused on the following issues:

A) Applicant argues that Geiser did not include limitation directed to displaying higher hierarchical levels on adjoining panels of a first bar.

A) Webster defines hierarchy to be a graded or ranked series. Geiser teaches a system that the set of characters, which a user can select, is depending on the previous selected characters. (col. 3, lines 6- col. 4 ,lines 10) Therefore the initially selected characters are ranked higher than the newly selected characters, because the initially selected characters determine which characters can be selected for the newly selected characters.

B) Applicant argues that there is no incentive as to why a person of ordinary skill in the pertinent art would be motivated to combine the teachings of Geiser and Matthews.

B) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason for placing each of the two bars at a position that is proximate to and parallel to an edge of the display is taught by Matthews (col. 13, lines 20-35), which is to dedicate 90% of the area in the center for displaying content.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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